

1 KEVIN V. RYAN (CABN 118321)
2 United States Attorney

3 MARK L. KROTOSKI (CABN 138549)
4 Chief, Criminal Division

5 DEREK R. OWENS (CABN 230237)
6 Special Assistant United States Attorney

7 450 Golden Gate Avenue, 11th Floor
8 San Francisco, California 94102
9 Telephone: (415) 436-6488
10 Fax: (415) 436-7234
11 Email: Derek.Owens@usdoj.gov

12 Attorneys for Plaintiff

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) CR No.: 06-70455 EMC
18 Plaintiff,)
19 v.)
20 JE HYUN KIM,)
21 Defendant.)

22 STIPULATION AND [PROPOSED]
23 ORDER EXCLUDING TIME

24 On July 21, 2006, the parties in this case appeared before the Court for a preliminary hearing.
25 At that time, the parties requested and the Court agreed to continue the hearing to August 18,
26 2006. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP)
27 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from July 21, 2006, to and including
28 August 18, 2006. The parties agree that – taking into account the public interest in prompt
disposition of criminal cases – good cause exists for this extension. Defendant also agrees to
exclude for this period of time any time limits applicable under Title 18, United States Code,
Section 3161. The parties represented that granting the continuance was the reasonable time

1 necessary for continuity of defense counsel and effective preparation of defense counsel, taking
2 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also
3 agreed that the ends of justice served by granting such a continuance outweighed the best
4 interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

5 SO STIPULATED:

6 KEVIN V. RYAN
7 United States Attorney

8 DATED: 7/21/06

9 /s/
10 DEREK OWENS
11 Special Assistant United States Attorney

12 DATED: 7/24/06

13 /s/
14 STEVEN KALAR
15 Federal Public Defender

16 For the reasons stated above, the Court finds that an exclusion of time from July 21, 2006, to
17 and including August 18, 2006, is warranted and that the ends of justice served by the
18 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18
19 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would
20 deny Mr. Kim continuity of counsel and would deny defense counsel the reasonable time
21 necessary for effective preparation, taking into account the exercise of due diligence, and would
22 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

23 SO ORDERED.

24 DATED: 7/31/06

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EDWARD M. CHEN
United States Magistrate Judge